

Appln No. 09/594,873
Amdt. Dated July 17, 2005
Reply to Office Communication of 09/11/02
Docket No. 14XZ87

Remarks/Arguments

This Amendment includes a Petition to Revive – Unintentional Abandonment of Application Under 37 CFR 137(b).

Status of the Application:

Status of the Drawings:

The Examiner is requested to acknowledge acceptance of the drawings as filed.

Status of the Priority:

The Examiner has acknowledged receipt of a certified copy of French Patent Application No. 99 07854 filed 06/21/1999 for a priority under 35 USC 119(a)-(d).

Status of the Information Disclosure Statement:

The Examiner is requested to acknowledge the timely submission of an Information Disclosure Statement filed 06/15/2000 (the filing date of the application).

Status of the Claims:

Claims 1 to 12 are pending in the application. Claims 1 to 4, 7, 8 and 12 are rejected under 35 USC 102(e) as lacking novelty over Neff et al., US 6,424,464; claims 5 and 6 are rejected under 35 USC 103(a) as being unpatentable over Neff et al. in view of Bamberger, US 5,970,164.

Status of the Detailed Description:

No objection has been made to the Detailed Description, i.e., the specification.

Rejection of Claims Under 35 USC 102(e)

Claims 1 to 4, 7, 8 and 12 are rejected under 35 USC 102(e) over Neff et al, US 6,424,464. The applicant traverses this rejection for the following reasons.

Claim 1 has been amended and claims 2 and 4 have been canceled.

The Examiner alleges that Neff et al anticipates the elements of claims 1 to 4, 7, 8 and 12. It is well settled patent law that the cited prior art must disclose each and every element or feature as recited in the claims for a lack of novelty rejection under 35 USC 102. Neff et al. fails to meet this requirement. At col. 8, lines 31-55, Neff et al. discloses

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that button 55 selects at least a portion of the image displayed on paddle 61 but there is no teaching of the location of the center point. The cross hairs 113 indicate a static point of selection of the image displayed on the paddle but are not an interactive intersection so as to permit zoom, translation, rotation, change of dimensions, etc. At col. 9, lines 32-55. Neff et al. discloses computer operations for applying the collected data point to provide the image on the hybrid screen and not for any part of the image displayed on the paddle screen.

Further, in Neff et al., the alleged "predetermined volume" of the three dimensional image is first determined by the paddle display and thereafter there is a selection within the image displayed on the paddle.

The format of claim 1 has been amended to more particularly point out the elements and features of an embodiment of disclosed invention. Claim 1 has been amended to recite that a selection is made of a point on an element of interest in the displayed three dimensional image and thereafter a predetermined volume is created wherein the selected point is the center of the volume. Essentially, this a reverse of the steps disclosed by Neff et al.

Claim 1 as amended further recites that the intersection between the predetermined volume and the three-dimensional image is dynamic in the sense that the intersection permit image adjustment and manipulation.

Claims 3, 7, 9, 11 and 12 have been amended to correct typographical errors and to ensure proper dependency on a pending claim.

Claim 1 is now believed to recite novel subject matter and overcomes the rejection under 35 USC 102(e). Accordingly, the applicant respectfully requests that claim 1 be found novel and patentable with respect to the cited and applied prior art.

Claims 3, 7, 9, 11 and 12 are each dependent on claim 1 and are considered novel and patentable for the same reasons as claim 1.

Rejection of Claims Under 35 USC 103

Claims 5 and 6 are rejected under 35 USC 103(a) as being unpatentable over Neff et al. in view of Bamberger, US 5,970,164. The applicant traverses this rejection for the following reasons.

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Claim 6 has been canceled. The above remarks and arguments with respect to Neff et al. are equally applicable to the rejection of claim 5. Claim 5 is dependent on claim 1 and is patentable for the same reasons as claim 1. It is not relevant to a rejection of obviousness whether Neff et al. can be modified by the teachings of Bamberger, as applied by the Examiner, if Neff et al. fails to disclose the elements and features recited in amended claim 1. Further, the Examiner does not allege that Bamberger discloses the elements and features of amended claim 1.

Claim 5 has been amended to amended to correct a typographical error.

Claim 5 is now believed to recite patentable subject matter and overcomes the rejection under 35 USC 103. Accordingly, the applicant respectfully requests that claim 5 be found patentable with respect to the cited and applied prior art.

Claims 9 to 11 are rejected under 35 USC 103(a) as being unpatentable over Neff et al. in view of Endo et al., US 6,169,552. The applicant traverses this rejection for the following reasons.

Claim 10 has been canceled. The above remarks and arguments with respect to Neff et al. are equally applicable to the rejection of claims 9 and 11. Claims 9 and 11 are dependent on claim 1 and are patentable for the same reasons as claim 1. It is not relevant to a rejection of obviousness whether Neff et al. can be modified by the teachings of Endo et al., as applied by the Examiner, if Neff et al. fails to disclose the elements and features recited in amended claim 1. Further, the Examiner does not allege that Endo et al. discloses the elements and features of amended claim 1.

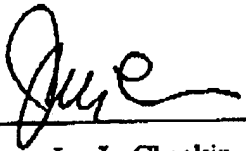
Claims 9 and 11 have been amended to correct a typographical error and to ensure dependency on a pending claim.

Claims 9 and 11 are now believed to recite patentable subject matter and overcome the rejection under 35 USC 103. Accordingly, the applicant respectfully requests that claims 9 and 11 be found patentable with respect to the cited and applied prior art.

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In view of the above remarks/arguments and the amended claims, the applicant respectfully requests a Notice of Allowance for claims 1, 3, 5, 7, 9, 11 and 12.

Respectfully submitted,
BETTING ET AL.

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